
HOUSE BILL 3261

State of Washington 60th Legislature 2008 Regular Session

By Representatives Flannigan, Wallace, Jarrett, Schindler, Simpson,
Clibborn, Appleton, and Wood

Read first time 01/28/08. Referred to Committee on Transportation.

1 AN ACT Relating to excluding public transit communication systems
2 from the definition of a wireless communications device; amending RCW
3 46.61.667; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.61.667 and 2007 c 417 s 2 are each amended to read
6 as follows:

7 (1) Except as provided in subsections (2) and (3) of this section,
8 a person operating a moving motor vehicle while holding a wireless
9 communications device to his or her ear is guilty of a traffic
10 infraction.

11 (2) Subsection (1) of this section does not apply to a person
12 operating:

13 (a) An authorized emergency vehicle, or a tow truck responding to
14 a disabled vehicle;

15 (b) A moving motor vehicle using a wireless communications device
16 in hands-free mode;

17 (c) A moving motor vehicle using a hand-held wireless
18 communications device to:

19 (i) Report illegal activity;

1 (ii) Summon medical or other emergency help;

2 (iii) Prevent injury to a person or property;

3 (d) A moving motor vehicle while using a hearing aid.

4 (3) Subsection (1) of this section does not restrict the operation
5 of an amateur radio station by a person who holds a valid amateur radio
6 operator license issued by the federal communications commission.

7 (4) For purposes of this section((7)):

8 (a) "Hands-free mode" means the use of a wireless communications
9 device with a speaker phone, headset, or earpiece.

10 (b) "Wireless communications device" does not include any device
11 that is a part of a radio-based system used by a vehicle that is used
12 for public transportation purposes, including such vehicles operated by
13 nonprofit organizations.

14 (5) The state preempts the field of regulating the use of wireless
15 communications devices in motor vehicles, and this section supersedes
16 any local laws, ordinances, orders, rules, or regulations enacted by a
17 political subdivision or municipality to regulate the use of wireless
18 communications devices by the operator of a motor vehicle.

19 (6) Enforcement of this section by law enforcement officers may be
20 accomplished only as a secondary action when a driver of a motor
21 vehicle has been detained for a suspected violation of this title or an
22 equivalent local ordinance or some other offense.

23 (7) Infractions that result from the use of a wireless
24 communications device while operating a motor vehicle under this
25 section shall not become part of the driver's record under RCW
26 46.52.101 and 46.52.120. Additionally, a finding that a person has
27 committed a traffic infraction under this section shall not be made
28 available to insurance companies or employers.

29 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2008.

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